

DR 690-1-751

DEPARTMENT OF THE ARMY
St. Louis District, Corps of Engineers
210 Tucker Blvd., North
St. Louis, Missouri 63101-1986

LMSPO-M

Regulation
No. 690-1-751

28 February 1986

Civilian Personnel
DISCIPLINARY ACTIONS

Supervisors should file this Regulation
in Section I of the Supervisors Handbook

1. Purpose. To inform District supervisors/employees of the Department of the Army (DA) policy and procedures governing disciplinary actions.
2. Applicability. This regulation applies to civilian employees of the St. Louis District, as covered in references below. Probationary employees and those serving trial periods are excluded from this regulation. Contact the Personnel Office (LMSPO-M) for advice in these cases.
3. References. The provisions of Civilian Personnel Regulation Chapter 751, 752, 711, and corresponding supplements; and Federal Personnel Manual, Chapter 751, 752, 711, and corresponding supplements, are specifically incorporated herein by reference.
4. General:
 - a. Employee conduct requiring discipline falls into two categories: Behavioral offenses for which progressive discipline aimed at correcting the behavior is appropriate and offenses relating to violation of regulation or laws for which punitive sanctions are required. The overall objective of discipline is to prevent prohibited activities and to train and motivate employees to maintain reasonable standards of conduct. In those cases where corrective action becomes necessary, the disciplinary measures taken will be for the sole purpose of correcting offending employees and problem situations and maintaining discipline and morale among other employees. The supervisor's most effective means of maintaining discipline is through the promotion of cooperation, of sustained good working relationships, and of the selfdiscipline and responsible performance expected of mature employees. Neither the decision to take disciplinary action nor the severity of the

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penalty imposed will be influenced by the employee's race, color, national origin, religion, sex, age, marital status, lawful political activity, or physical handicap.

b. Where corrective action can be accomplished through closer supervision, on-the-job training, discussions, or warnings, formal disciplinary action should not be taken.

c. Constructive discipline must be timely to be effective. In this connection, the supervisor should normally contact the Personnel Office, LMSPO-M, as soon as practicable, but generally no later than one week following the offense for which formal disciplinary action may be warranted.

5. Role of Supervisors:

a. Supervisors are the first link and the most important persons in administering effective discipline. They are the persons who can do much to motivate employees to conduct themselves in an acceptable manner or to correct minor deficiencies in conduct by concentration on particular problem situations.

b. A supervisor's efforts, no matter how determined he/she may be, will not always alleviate the problem. In such cases, first, informal discipline (i.e., oral reprimands, or written warnings) and then formal discipline (i.e., official written reprimands, suspensions, removals) may be initiated.

c. All actions of a formal nature must be taken in accordance with the appropriate regulations cited in paragraph 3 above. The supervisor must work closely with the Personnel Office to receive guidance on the proper procedures for effecting discipline.

6. Role of the Personnel Office. The LMSPO-M staff is available to provide guidance to supervisors and employees in any potential or existing problem situation for which discipline may be necessary. The purpose of the assistance to both supervisors and employees is to relate options available, explain regulations, and assure consistency, in any disciplinary action.

7. Employees. All employees are expected to conduct themselves in a manner which will reflect favorably upon the District and themselves. They are expected to observe the General Rules of Conduct and adhere to the Code of Ethics for Government Service (DR 690-1-735 and AR 600-50).

8. Definitions:

a. Informal disciplinary actions are oral reprimands or written warnings. This is the first step in constructive discipline. Informal

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disciplinary actions are taken by the supervisors on their own initiative and discretion in situations of a minor nature involving unacceptable behavior. The supervisor should document informal disciplinary actions such as oral reprimands with a memorandum for record and furnish a copy to the employee with the employee signing as received. They should also be documented on the SF 7B (Employee Record Card). A written warning stands for itself and should contain such information as: (1) The offense that occurred; (2) reference to the discussion between the employee and the supervisor regarding the offense; (3) corrective action necessary; (4) any specific, temporary methods necessary to take corrective action; and (5) the consequences of recurrence - e.g., formal reprimand, suspension, etc. This document should also be signed by the employee indicating receipt. If the offense recurs or becomes more severe, formal discipline will be considered. These records should be deleted after a reasonable time if the misconduct ceases.

b. Formal disciplinary actions include written reprimands, suspensions, involuntary reductions in grade or pay, and/or removals taken under FPM and CPR 752. Formal disciplinary actions adversely affect an employee and in most cases require job protection rights based upon each employee's eligibility for the rights. These actions should be initiated only after a responsible determination that a less severe penalty, such as an oral reprimand, is inadequate. The Personnel Office must be contacted prior to any formal disciplinary action.

(1) Written reprimand - A written reprimand is appropriate when more stringent disciplinary action than an oral reprimand is warranted and the situation justifies inclusion of a record in the employee's official personnel file. This document will be retained for a minimum period of one year and a maximum period of three years in the employee's official personnel file; the length of time will be specified in each case and should correlate with the severity of the offense and circumstances of the case.

(2) Suspension - Suspension is the placement of an employee in a temporary, nonpay status and involuntary absence from duty, for a specific period for reasons other than lack of work or shortage of funds. Since this penalty serves to deprive the employee of his regular income, as well as the District of the employee's services, a suspension should be imposed only after a responsible determination that the offense is serious enough to warrant this more severe disciplinary action. In many cases, a suspension would not be appropriate unless one of the less severe penalties have been used without success, i.e., warning or letter reprimand.

(3) Removal - The most severe type of formal disciplinary action is removal of the employee from the Federal Service. It is appropriate when the employee's conduct or actions are such that no penalty short of administratively separating the employee would be in the best interest of the service.

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c. Deciding Official.

(1) Normally, a level of supervision above that which initiates the letter proposing formal disciplinary action. The decision to effect discipline should not be based solely on recommendation of first level supervisor - further inquiry may be considered necessary. (See paragraph 10 for signature authority for letter of decision.)

(2) In case of proposed removal the Division or Office Chief normally will make the final decision.

9. Procedures:

a. Informal disciplinary actions.

(1) The supervisor will discuss the incident promptly, and in private, with the employee. The employee will be advised of the specific offense, when it occurred, and be permitted to explain his conduct. As appropriate, the supervisor will inform the employee that future misconduct will warrant more severe disciplinary action.

(2) The supervisor should document the incident giving rise to the oral reprimand and the subsequent discussion. This will be done by briefly annotating the Employee Record Card (SF-7B) and giving the employee the opportunity to initial it, and by preparing a written memo, giving the employee the opportunity to sign it, and attaching it to the Employee Record Card. Such an informal memo may not be placed in the employee's OFF, but may be used as evidence in documenting a later formal disciplinary action. (See para 8a.)

b. Formal disciplinary actions. Suspension and separation actions may be effected only for such causes as will promote the efficiency of the Federal service. The decision to use one type rather than another in a particular case must be based on a careful evaluation of that case including an assessment of the relative severity of the offense, the degree of corrective action necessary to remedy the situation, frequency of the offense, and facts presented.

(1) When a supervisor determines that a disciplinary action should be effected he/she should submit a memorandum through organizational channels to LMSPO-M, stating the specific details of the incident, the proposed penalty, the reasons why the proposed action is considered necessary, and giving all the supporting facts. In emergency situations, such as a gross act of misconduct or threat to health or safety, the written memorandum may be waived with concurrence of the Personnel Officer.

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(2) LMSPO-M will review the case for adherence to correct procedures and consistency with other disciplinary actions and prepare the letter of proposed disciplinary action for the signature of the appropriate supervisor. The letter of proposal will be forwarded to the supervisor for delivery to the employee.

(3) One copy of the letter of proposal will be annotated, signed, and dated by the employee as evidence of receipt and returned to the Personnel Office. If the employee refuses to sign acknowledgment of receipt, the supervisor will so indicate and receipt of the proposal should be witnessed.

(4) Supervisors will give fair and impartial consideration to any oral and/or written reply, and make a written record of any oral reply. When possible, the signature of the employee will be obtained as an indication that the employee agrees with the accuracy of the record.

(5) The deciding official will make inquiry into the facts and, if the proposed action is considered justified, forward a written recommendation to effect disciplinary action to the Personnel Office (LMSPO-M) with the recommendations.

(6) LMSPO-M will follow the same procedures outlined in (2) above in reviewing and preparing a letter of decision.

(7) The employee will be furnished a written decision on the proposed action. If the decision is to effect a suspension, reduction in grade and/or pay, or removal, the employee will be furnished a Standard Form 50, Notification of Personnel Action, along with the letter of decision, prior to the effective date of the action. If the decision is reached to issue an official written reprimand, the letter of proposal, any reply, and the notice of decision will be entered in the Official Personnel File.

10. Normal Policy for Signing Disciplinary Actions.

a. The immediate supervisor will sign letters of proposal for written reprimands, suspensions, and removals.

b. A higher level supervisor will sign letters of decision for written reprimands and suspensions of short duration (10 work days or less).

c. Letters of decision involving long suspensions (more than 10 work days) or removals will be signed by Division or Office Chiefs.

d. The notice of decision issued in informal disciplinary actions will inform the employee of any grievance or appeal rights to which he/she may be entitled, the time limits therefore, and the address to which it must be submitted.

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11. **Penalties.** In taking disciplinary actions, like penalties should be imposed for like offenses. Supervisors will be as consistent as practicable when deciding among disciplinary penalties to ensure equitable and uniform treatment of all employees. Supervisors will consider all factors of the case, including the seriousness and frequency of the documented offense(s), surrounding circumstances, and time elapsed since the prior offense. The attached table of penalties 105, AR 690-700, Appendix A (Attachment 1) will be used by supervisors as a guide in recommending disciplinary action. In choosing the appropriate sanction from the table in Appendix A, a prior offense of any type forms the basis for proposing the next higher sanction.

12. **Specific Disciplinary Situations:**

a. Fraud, Theft, and Intentionally Dishonest Conduct. Any employee found to have engaged in theft, fraud, or other intentionally dishonest conduct against the Army will be considered for removal from the federal service. Any lesser penalty will require justifiable mitigating circumstances.

b. Unauthorized Absence.

(1) When an employee fails to report for duty, or to return from leave or furlough, and fails to inform the agency of his or her intentions, the employee should be contacted to determine his or her intentions. If it is not practicable to contact the employee by telephone, a letter should be dispatched to the last known address. Proof of mailing should be established. The letter will inform the employee that unless he or she returns to duty by a specific date (within 10 days) or provides a justifiable explanation for the absence by a specific date, removal action may be initiated.

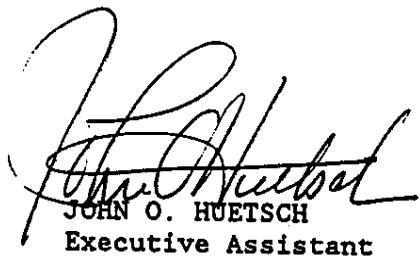
(2) When the employee returns to duty within a period of 10 calendar days of unauthorized absence, the immediate supervisor, or other appropriate official should initiate appropriate disciplinary action for unauthorized absence as provided in AR 690-700, chapter 752. If the employee does not return to work within the 10 calendar days, the supervisor should contact LMSPO-M for assistance.

13. **Collective Bargaining Agreements.** Any provision(s) of this regulation in conflict with collective bargaining agreements negotiated with labor unions representing employees of this District will be superseded by those

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agreements unless such provision(s) of this regulation and their enforcement are required by law; or regulations, published policies, or directives of appropriate authorities.

FOR THE COMMANDER:



JOHN O. HUETSCH
Executive Assistant

Attachment
Appendix A - AR 690-700

DISTRIBUTION:

M

LMSPO-S (25 copies)
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APPENDIX A

The table of penalties is meant to be a guide to supervisors in disciplining employees. It is not meant to be an exhaustive listing of all offenses. Appropriate penalties for unlisted offenses may be derived by comparing the nature and seriousness of the offense to those listed in the table and the employee's previous history of discipline.

The use of a particular penalty is not mandatory simply because it is listed in the table. Selection of an appropriate penalty must involve a responsible balancing of the relevant factors in the individual case. For example, even for offenses where removal is not listed for a first offense, removal for a first infraction may be assessed for an aggravated offense or multiple offenses. Similarly, removal is not required unless the penalty is mandatory by law (see references to the U. S. Code in the remarks column). A prior offense of any type forms the basis for proposing an enhanced penalty (see para 1-4(b)). In assessing penalties, consideration should be given to the "freshness" or time frame of previous offenses.

Oral admonishments are not considered formal disciplinary actions, for the purpose of determining a first, second or third offense. However, informal discipline may be considered when determining an appropriate penalty. All references to written reprimands are to formal written reprimands within the meaning of chapter 751.

In selecting an appropriate penalty, the deciding official should distinguish between misconduct for which progressive discipline aimed at correcting behavior is warranted and misconduct warranting punitive discipline. In general, for progressive discipline the deciding official should select the least stringent penalty thought necessary to get the employee's attention and motivate him/her to improve behavior. For punitive discipline, the deciding official should select the strongest penalty warranted to preclude repeated acts of misconduct by the employee concerned and to deter such misconduct by others. The Table of Penalties is divided into two sections. Offenses in Section A are normally considered behavioral offenses whereas offenses in Section B are offenses warranting punitive discipline.

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TABLE OF PENALTIES FOR VARIOUS OFFENSES

A. BEHAVIORAL OFFENSES FOR WHICH PROGRESSIVE DISCIPLINE IS APPROPRIATE					
OFFENSE	NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARKS
1. Insubordination	Refusal to obey orders, defiance of authority.	Written reprimand to removal	5 day suspension to removal	Removal	
2. Fighting/ Creating a Disturbance	a. Creating a disturbance resulting in an adverse effect on morale, production, or maintenance of proper discipline. b. Threatening or attempting to inflict bodily harm without bodily contact. c. Hitting, pushing or other acts against another without causing injury. d. Hitting, pushing or other acts against another causing injury.	Written reprimand to 10 day suspension to removal	5 to 10 day suspension to removal	10 day suspension to removal	Penalty may be exceeded if work is severely disrupted
3. Sleeping on duty	a. Where safety of personnel or property is not endangered. b. Where safety of personnel or property is endangered.	Written reprimand to 30 day suspension to removal	30 day suspension to removal	30 day suspension to removal	Penalty may be exceeded based on such factors as type of threat, provocation, extent of injuries, whether actions were defensive or aggressive in nature, or whether actions were directed at a supervisor.
4. Loafing; delay in carrying out instructions	a. Idleness or failure to work on assigned duties. b. Delay in carrying out or failure to carry out instructions within the time required.	Oral admonishment to 1 day suspension to removal	Written reprimand to 1 day suspension to removal	5 day suspension to removal	
5. Attendance related offenses	a. Any absence from duty which has not been authorized and/or for which pay must be denied (AUOL) includes leaving the work site without permission. b. Failure to follow established leave procedures	Written reprimand to 3 day suspension to removal	Written reprimand to 5 day suspension to removal	5 day suspension to removal	Penalty depends on length of absences. Removal may be appropriate for 1st or 2nd offense if the absence is prolonged.

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OFFENSE	NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARKS
c. Unexcused tardiness		Oral admonishment to written reprimand	Oral admonishment to 3 day suspension	Oral admonishment to 5 day suspension Habitual tardiness warrants removal	Includes delay in reporting at the scheduled starting time, returning from lunch or break periods, and returning after leaving work station on official business. Penalty depends on length and frequency of tardiness.
6. Unauthorized use of alcohol, drugs or controlled substances	a. Unauthorized possession or transfer of alcoholic beverages while on government premises or in a duty status. b. Unauthorized use of alcoholic beverages while on Government premises or in a duty status. c. Reporting to work or being on duty while under the influence of alcohol, a drug or a controlled substance to a degree which would interfere with proper performance of duty, would be a menace to safety, or would be prejudicial to the maintenance of discipline.	Written reprimand to 1 day suspension	5-14 day suspension	14 day suspension to removal	Penalty may be exceeded when aggravating circumstances are present. See AR 600-85.
7. Disrespect		Written reprimand to 14 day suspension	14-30 day suspension	30 day suspension to removal	
	a. Discourtesy, e.g., rude, unmanly, impolite acts or remarks (non-discriminatory).	Written reprimand to 1 day suspension	Written reprimand to 5 day suspension	3-10 day suspension	
	b. Use of abusive or offensive language, gestures or similar conduct (non-discriminatory).	Written reprimand to 10 day suspension	5 day suspension to removal	30 day suspension to removal	
8. Gambling	a. Participating in an unauthorized gambling activity while on Government premises or in a duty status	Oral admonishment to written reprimand	1-5 day suspension	5-30 day suspension	See AR 600-50

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b. Operating, assisting or promoting an unauthorized gambling activity while on Government premises or in a duty status or while others involved are in a duty status	14 day suspension to removal.	Removal
Failure to honor valid debts where agency mission or employee performance are affected.	Oral admonishment	Oral admonishment to written reprimand
9. Indebtedness		See AR 690-700, chap 715, app E. There must be a clear nexus between efficiency of the service and the debt complaint.

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B. OFFENSES WARRANTING PUNITIVE DISCIPLINE

OFFENSE	NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARKS
10. False Statements	a. False statements, misrepresentation, or fraud in entitlements, includes falsifying information on a time card, leave form, travel voucher, or other document pertaining to entitlements.	Written reprimand to removal	30 day suspension to removal	Removal	See para. 2-1. Removal is warranted for a first offense.
	b. False statements or misrepresentations on an SF 171, or other documents pertaining to qualifications, or on any official record not otherwise enumerated.	Written reprimand to removal	14 day suspension to removal	30 day suspension to removal	See para. 2-1. Removal is warranted when selection was based on classified SP 171 where falsification was intentional (i.e., not an omission or where intent can be proven), or where the employee occupies a fiduciary position.
	c. Knowingly making false or malicious statements against coworkers, supervisors, subordinates, or government officials with the effect of harming or destroying the reputation, authority, or official standing of that individual or an organization.	Written reprimand to removal			
	d. Deliberate misrepresentation, exaggeration, concealment, withholding of a material fact. Includes perjury, making false sworn statements, and lying to a supervisor.	Written reprimand to removal	5 day suspension to removal	10 day suspension to removal	
11. Stealing	Stealing, actual or attempted, unauthorized possession of government property or property of others, or collusion with others to commit such acts.	14 day suspension to removal		Removal	See para. 2-1. Penalty depends on such factors as the value of property involved, and the nature of the position held by offending employee which may dictate a higher standard of conduct.

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12.	Misuse or abuse of Government Property	a. Using Government property or Federal employees in a duty status for other than official purposes.	Written reprimand	14 day suspension to removal	Written reprimand to removal	14 day suspension to removal
		b. Loss of or damage to government property, records or information when an employee is entrusted in safeguarding Government property as an absolute requirement of the job (e.g., cashier, warehouse worker, property book officer)	Written reprimand to removal	14 day suspension to removal	Written reprimand to removal	14 day suspension to removal
		c. Willfully using or authorizing the use of a Government passenger motor vehicle or aircraft or other than official purposes.	30 day suspension to removal	Removal	See 31 USC 630a (c)(2). Penalty cannot be mitigated to less than 30 days	
		d. Misuse of Government credentials	Written reprimand to removal	5 day suspension to removal	14 day suspension to removal	
		e. Intentionally mutilating or destroying a public record.	Removal	Written reprimand to removal	14 day suspension to removal	
		f. Unauthorized use or possession of a controlled substance	Removal	3 day suspension to removal	Written reprimand to removal	
13.	Unauthorized use or possession of a controlled substance	a. Introduction of controlled substance to a work area or government installation for personal use	Removal	3 day suspension to removal	Written reprimand to removal	
		b. Introduction of a controlled substance to a work area or government installation in amounts sufficient for distribution or distribution of a controlled substance on a government installation	Removal	3 day suspension to removal	Written reprimand to removal	
		c. Positive urinalysis or blood test by an employee for whom such testing is a condition of employment	Removal	3 day suspension to removal	Written reprimand to removal	

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14.	Failure to observe written orders, rules or procedures	Written reprimand to 1 day suspension	1-14 day suspension to removal	1 day suspension to removal
	a. Violation of administrative rules or regulations where safety to persons or property is not endangered.	Written reprimand to removal	30 day suspension to removal	See AR 604-5 and 5 USC 7532
	b. Violation of administrative rules or regulations where safety to persons or property is endangered	Written reprimand to removal	30 day suspension to removal	
	c. Violations of official security regulations. Action Against National Security	Written reprimand to 5 day suspension	1-14 day suspension to removal	5 day suspension to removal
	(1) Where restricted information is not compromised and breach is unintentional	Written reprimand to removal	30 day suspension to removal	
	(2) Where restricted information is compromised and breach is unintentional	Written reprimand to removal	30 day suspension to removal	
	(3) Deliberate violation	30 day suspension to removal		
15.	Discrimination because of race, color, religion, age, sex, national origin, political affiliation or handicap, or marital status	Written reprimand to 5 day suspension	1-5 day suspension, to removal	5 day suspension to removal
	a. Use of critical, demeaning, slanderous, inflammatory, discriminatory, ignominious or degrading remarks, comments, observations or statements with regard to any of the categories cited not directed at a subordinate. If a subordinate is involved see b. below. If a superior is involved see offense #1 (Insubordination)	Written reprimand to removal		Appropriate penalty depends on the facts of the case weighed against DA policy that discrimination is prohibited. See FM Letter 713-42, 13 Mar 78, concerning alleged discriminating officials.
	b. Prohibited Discriminatory practice in any aspect of employment (e.g., employment, appraisal, development, advancement or treatment of employees). Includes failure to prevent or curtail discrimination of a subordinate when the supervisor knew or should have known of the discrimination.	Written reprimand to removal		

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16.	Sexual Harassment. Influencing, offering to influence, or threatening to influence, or threatening the career, pay, job, or work assignments of another person in exchange for sexual favors or deliberate or repeated offensive comments, gestures or physical contact of a sexual nature.	a. Involving a subordinate b. Not involving a subordinate	1 day suspension to removal Written reprimand to 5 day suspension to removal	10 day suspension to removal 5 day suspension to removal	30 day suspension to removal 10 day suspension to removal
					Appropriate penalty depends on the fact situation in a given case weighed against DA policy that sexual harassment will not be tolerated. Where conduct created a hostile or offensive work environment removal is warranted for a first offense.
17.	Constitutional Violation	Violation of employee's constitutional rights (i.e., freedom of speech/association/religion.)	Reprimand to removal	5 day suspension to removal	30 day suspension to removal
					Includes off-duty conduct if nexus is established.
18.	Conduct Unbecoming a Federal Employee	a. Immoral, indecent, or disgraceful conduct b. Solicitation of or accepting anything of monetary value from person who is seeking contracts or other business or financial gain	1 day suspension to removal 10 day suspension to removal	Removal Removal	
					Witness shall be assured freedom from restraint interference, coercion, discrimination, or reprisal in their testimony.
19.	Refusal to testify; Interference or obstruction	a. Refusal to testify or cooperate in a properly authorized inquiry or investigation. b. Interference with attempting to influence, or attempting to alter testimony of witnesses or participants. c. Attempting to impede investigation or to influence investigating officials.	1 day suspension to removal 5 day suspension to removal	5 day suspension to removal 10 day suspension to removal	Removal Removal
					Witness shall be assured freedom from restraint interference, coercion, discrimination, or reprisal in their testimony.
20.	Political Activity	a. Violation of prohibition against soliciting political contributions. b. Violations of prohibition against campaigning or influencing elections.	10 day suspension to removal Removal	30 day suspension to removal Removal	
					5 USC 7323, 7324 and 7325

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			5 USC 3103
			5 USC 5501
21. Misappropriation	a. Directing, expecting or rendering services not covered by appropriations.	Removal	
	b. Failure to deposit into the Treasury money accruing from lapsed salaries or from unused appropriations from salaries.	Removal	
22. Job Actions	Participating in or promoting a strike, work stoppage, slow down, sick out or other job actions.	Removal	
23. Retaliation	<p>a. Intentional interference with an employee's exercise of, or reprisal against an employee for exercising a right to grieve, appeal or file a complaint through established procedures.</p> <p>b. Retaliation against an employee for providing information to an Inspector General, MSPB Office of Special Counsel, EEOC or USACRA Investigator, or for testifying in an official proceeding in an office.</p> <p>c. Intentional interference with and employee's exercise of, or reprisal against an employee for exercising a right provided under 5 USC 7101 et seq. (governing Federal Labor-Management Relations).</p> <p>d. Finding by MSPB of refusal to comply with MSPB order or finding of intentional violation of statute causing issuance of a special counsel complaint.</p>	<p>Written reprimand to removal</p> <p>5 day suspension to removal</p> <p>Written reprimand to removal</p> <p>Written reprimand to removal</p>	<p>30 day suspension to removal</p> <p>30 day suspension to removal</p> <p>30 day suspension to removal</p> <p>Written reprimand to removal</p>

5 USC 1206(a)(1)
and 1207(b)

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C. PENALTIES APPLICABLE TO CIVILIAN MARINE PERSONNEL (EXCLUDING HARBOR CRAFT WORKERS)

In addition to the penalties listed above that apply to Army employees in general, there are certain offenses for which, under express provisions of law or regulation, civilian marine employees may be punished by removal or even by fine or imprisonment.

OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	PENALTY
24. Desertion	Removal (mandatory)			Employer forfeits all pay and allowances due from the voyage.
25. Missing calling of the ship.	Reprimand to removal	10-day suspension to removal	30-day suspension to removal.	
26. Willful disobedience to lawful command at sea.	Reprimand to removal	10-day suspension to removal.	30-day suspension to removal.	
27. Assailing any Master, Mate, Pilot, Engineer or other officer.	Reprimand to removal.	Removal.		Upon conviction, offender may be imprisoned not more than 2 years (46 USC 701). See 42 Stat. 764
28. Willfully damaging the ship or her equipment, or willfully deserting or damaging any of her stores or cargo.		Loss of pay equal to the loss sustained and reprisal to removal.		Loss of pay equal to the loss sustained and removal.
29. Smuggling	Removal (mandatory)			For any act of smuggling for which the offender is convicted and whereby loss or damage is occasioned to the Master or the Army such a sum as sufficient to reimburse the Master or the Army may be retained from offender's wages in satisfaction or on account of such liability.
30. Introducing, selling, possessing, or using intoxicants aboard ship.		5-day suspension to removal.		30-day suspension to removal.
31. Unauthorized use or possession of a controlled substance.				
a. Introduction of a controlled substance aboard ship for personal use.		5-day suspension to removal.		
b. Introduction of a controlled substance aboard ship in amounts sufficient for distribution, or distribution of a controlled substance aboard ship.		Removal.		
c. Positive urinalysis or blood test by an employee for whom such testing is a condition of employment.		Removal.		See AR 600-65